

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION

b

DEVY FOSTER, *et al.*

CIVIL ACTION NO. 17-CV-00656

VERSUS

CHIEF JUDGE DRELL

WAL-MART LOUISIANA, L.L.C.

MAGISTRATE JUDGE PEREZ-MONTES

SUA SPONTE JURISDICTIONAL REVIEW FINDINGS

Before the Court is a Complaint filed by Plaintiffs Devy Foster and Charles Foster. The action was removed by Defendant Wal-Mart Louisiana, L.L.C. from a Louisiana state court. Wal-Mart Louisiana, L.L.C. premises federal jurisdiction on diversity of citizenship.

The diversity statute – 28 U.S.C. § 1332 – is satisfied upon a showing of: (1) diversity of citizenship between the parties; and (2) an amount in controversy in excess of \$75,000, exclusive of interest and costs. “Complete diversity requires that all persons on one side of the controversy be citizens of different states than all persons on the other side.” Harvey v. Grey Wolf Drilling Co., 542 F.3d 1077, 1079 (5th Cir. 2008) (internal citation and quotation omitted). Further, “when jurisdiction depends on citizenship, citizenship must be *distinctly* and *affirmatively* alleged.” Getty Oil Corp., a Div. of Texaco, Inc. v. Ins. Co. of N. Am., 841 F.2d 1254, 1259 (5th Cir. 1988).

The Court has “an independent obligation to determine whether subject-matter jurisdiction exists, even in the absence of a challenge from any party.”

Arbaugh v. Y&H Corp., 546 U.S. 500, 514 (2006). This duty persists throughout all phases of the litigation, “even after trial and the entry of final judgment.” Id. at 506-07.

The citizenship of an individual is his or her domicile, meaning the place where an individual resides and intends to remain. Acridge v. Evangelical Lutheran Good Samaritan Soc., 334 F.3d 444, 448 (5th Cir. 2003). A corporation shall be deemed to be a citizen of every State and foreign state by which it has been incorporated and of the State or foreign state where it has its principal place of business. Tewari De-Ox Systems, Inc. v. Mountain States/Rosen, L.L.C., 757 F.3d 481, 483 (5th Cir. 2014). The citizenship of a general partnership depends on that of all partners. International Paper Co. v. Denkmann Associates, 116 F.3d 134, 135, 137 (5th Cir. 1997). The citizenship of an LLC, a limited partnership, or other unincorporated association or entity is determined by the citizenship of all its members. Harvey, 542 F.3d at 1079-80.

Plaintiffs Devy Foster and Charles Foster are citizens of Louisiana.

Defendant Wal-Mart Louisiana, L.L.C. is a limited liability company owned by Wal-Mart Stores East, L.P., a limited partnership composed of two partners, WSE Management, L.L.C. (GP) and WSE Investment, L.L.C. (LP), both Delaware limited liability companies. The sole owner of each is Wal-Mart Stores East, Inc., an Arkansas corporation with its principal place of business in Arkansas. Therefore, Wal-Mart Louisiana, L.L.C. is a citizen of Arkansas.

Accordingly, diversity jurisdiction is established. No further action is necessary at this time.

THUS DONE AND SIGNED in chambers in Alexandria, Louisiana, this 26th day of May, 2017.

A handwritten signature in black ink, appearing to read 'J.H.L. Perez Montes', written over a horizontal line.

Joseph H.L. Perez Montes
United States Magistrate Judge